



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Director, Jennie Skeades-Sherry

## ***STAFF REPORT***

TO: Zoning Board of Appeals Members  
FROM: Planning, Housing and Community Development  
DATE: May 20, 2014  
SUBJECT: 3 Goethe Street; Area Variance  
TAX ID #: 160.21-4-41  
CASE: 2014-12

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### **A. REVIEW REQUESTED**

This application would provide for the construction of a 1,000ft<sup>2</sup>, two-story addition onto the rear of an existing two-story single-family dwelling, thereby converting the property to a 2-unit dwelling. The new unit would be occupied by relatives of the owner occupant of the existing unit. The lot has a width of 50 feet, whereas 60 feet of lot width is required for two units. The proposed site plan also shows 62% lot coverage whereas a maximum of 50% lot coverage is permitted in the in the R-2, Residential One and Two Unit Dwelling District. Area variances are required to allow the construction of the structure as proposed.

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

## **B. SITE REVIEW**

The subject site is located on the south side of Goethe Street, one parcel removed from Beethoven Street, on a 7,500 square foot lot. There is an existing 2-story, 1,104ft<sup>2</sup> single family house on the site. The applicant has stated that the proposed area of the new structure is necessary to meet the minimum accessibility needs—in terms of room size, corridor width and the inclusion of an elevator shaft—of its two intended occupants, both of whom are physically handicapped.

Land uses in the vicinity of the site consist primarily of single-family and two-unit dwellings on Goethe and Beethoven Streets. There is a mix of owner-occupancy and rental tenure in the area. North of the site on Main Street, land use is primarily commercial.

## **C. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

None.

## **D. ENVIRONMENTAL IMPACT**

The granting of area variances for a two-family residence is a SEQR **Type 2** Action. No further environmental review or actions under SEQR are required.

## **E. STAFF FINDINGS**

Planning Staff has the following findings:

- 1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.**

The granting of the requested variance would not constitute a change in the character of the neighborhood. The area has historically been populated by a mix of occupancy types, including many two-family homes.

- 2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.**

There are no reasonable alternatives. The applicant, in an effort to reduce the lot coverage, has already made the addition two stories, as opposed to the originally proposed one story, in order to reduce the building's footprint.

- 3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.**

The requested lot coverage variance would not result in a large net increase in lot coverage. It should also be noted that many of the lots in the immediate vicinity, including several two-unit residences, are similar in width to the subject site.

**4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.**

The difficulty is not self created. The applicant purchased the home before the need to provide housing for relatives arose.

**F. ENCLOSURES**

Enclosed is a copy of the plans and site photographs.